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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,316	04/21/2004	Joel R. Studin	SDF 04-14	5671
7590 Stuart D. Frenkel Suite 330 3975 University Drive Fairfax, VA 22030				
			EXAMINER SHEIKH, HUMERA N	
			ART UNIT 1615	PAPER NUMBER
			MAIL DATE 06/25/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOEL R. STUDIN

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Application No. 10/829,316  
Technology Center 1600

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Mailed: June 25, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*.  
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 22, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**INFORMATION DISCLOSURE STATEMENT**

Appellant filed an Information Disclosure Statement (IDS) dated February 4, 2008. There is no indication on the record that the Examiner has considered the above IDS. Section 609 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above IDS is required. This deficiency was previously noted by the Appeal Center Return mailed June 12, 2009.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to consider the IDS filed February 4, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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